

FILED

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT

2022 JUL 27 PM 3:46

U.S. BANKRUPTCY COURT
DISTRICT OF MARYLAND
GREENBELT

\$260.00
#20115976

IN RE: LB WALKER, :
: Debtor. : Case No.: 19-21966
: Chapter 7

**MOTION TO REOPEN CASE TO FILE AN ADVERSARY
COMPLAINT AND TO REINSTATE AUTOMATIC STAY**

COMES NOW DEBTOR, LB WALKER, ("Debtor") and respectfully moves the Court for an Order to reopen the above Chapter 7 Case for purposes of filing an advisory complaint to 1.) resolve issues of ownership for purposes of attachment of judicial liens against Debtor's real property located at 5305 59th Avenue, Riverdale MD 20737 ("the property"), to resolve the validity of disputed judicial liens against the property and 2.) to seek avoidance of such lien(s) pursuant to 11 U.S.C. §522 (f) (1) (A). Debtor would also request that the Court reinstate the automatic Stay under 11 U.S.C. §362(a) pending the instant Motion and if granted pending the filing of and resolution of an adversary complaint. Debtor states the following in support of the instant Motion to Reopen Case:

1. A Petition under Chapter 7 was filed on September 9, 2019. Debtor received a discharge on December 20, 2019. Debtor never received a notice of the discharge.
2. This Court has jurisdiction to enter an Order reopening the case to entertain the relief sought pursuant to 28 U.S.C. § 1334, 28 U.S.C. § 157(b), 11 U.S.C. § 350(b), Bankr. Rule 7001 (8) and (9), et. seq. and all other applicable Rules of the Bankruptcy Court.

3. On or about August 13, 2020 and prior to this date the U.S. Bankruptcy Court at Greenbelt entered an Order denying Debtor's Motions to Avoid Lien on the property. Debtor sought to avoid the attachment of a judicial judgment lien against the property by creditor, Elliott Lewis and his assignee John Herbeck d/b/a Eastern Shore Judgment Recovery. Debtor also sought to avoid a judicial lien on the property in favor of creditor, Neil Seldman.

4. On or about May 14, 2020 the Court denied the above named creditors' Motions for Summary Judgment seeking declaratory judgment as to whether the property was owned by River Properties, LLC or Debtor when said judgment(s) were attached. The U.S. Bankruptcy Court also denied Elliott Lewis' request for entry upon the land.

5. The Court ruled in its Orders of May 16, 2020, June 2, 2020, July 22, 2020 and August 13, 2020 that the relief sought in the varied Motions filed by Debtor and his Creditors requires an adversary proceeding "because the ownership of the subject property and the validity of any liens thereon have been disputed". A copy of the pertinent parts of the Docket Entries of the Orders are attached as Exhibit No. 1.

6. Debtor seeks to reopen his case for the purposes of complying with the Court's Orders and filing an adversary complaint to resolve the issues described above, to avoid any judicial liens against the property and to seek sanctions against creditors Elliott Lewis and John Herbeck for violation of the automatic stay under 11 U.S.C §362(a).

7. Debtor has been unable to file an adversary proceeding until now due to serious health issues and prolonged hospital stays. Debtor suffers from uncontrolled low blood pressure as a result of chronic polycystic kidney disease, kidney failure and dialysis. The low blood pressure caused Debtor to become unconscious and Debtor was placed on a ventilator for three months followed by prolonged hospital stays over the past two years. Debtor is now on peritoneal

dialysis which is an improvement and he is better able to address the issues of filing an adversary complaint after the bankruptcy discharge. Copies of some of Debtor's medical discharges and explanations of his health issues are attached as Exhibit No. 2.

8. Debtor also seeks an imposition of the stay under 11 U.S.C. § 362(a) pending the instant Motion and pending the filing of an adversary complaint and thereafter until resolution of the issues. Such a request is appropriate and necessary in order to protect Debtor's residential property and particularly since Debtor's medical issues are ongoing. 11 U.S.C. § 522 (d) (1). Debtor needs his primary residence for his care and recovery. In addition, a stay is appropriate given the past actions of these creditors.

9. In light of the facts outlined above, reopening this Case to comply with the Bankruptcy Judge's Order(s) to file an adversary complaint to resolve the issue(s) surrounding the attachment of the creditor's judicial liens and the avoidance of those liens by the Debtor is a must. *Stark v. St. Mary's Hospital*, *In re Stark*, 717 F. 2d 322, 323 (7th Cir. 1983) (per curium); *Hawkins v. Landmark Finance Co.*, 727 F.2d 324, 326 (4th Cir. 1984). *In re Moyette*, 231 B.R. 494 (E.) N.Y. 1999).

10. This Court can grant the relief sought in the instant Motion for cause. Debtor maintains that he has shown good cause for reopening this Case and contends that he has shown excusable neglect for the delay in filing the instant Motion.

WHEREFORE the premises considered, Debtor prays that the Court will grant the instant Motion and 1.) reopen this Case for purposes of filing an adversary complaint and to seek avoidance of the judicial liens in question and 2.) reinstate the automatic stay under 11 U.S.C. § 362 (a) pending the Motion and filing of an adversary complaint.

Respectfully submitted,


LB Walker
5305 59th Avenue,
Riverdale MD 20737
202-491-2940

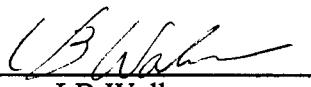
DECLARATION OF DEBTOR

I hereby declare under penalty of perjury that the foregoing is true and correct.


LB Walker
5305 59th Avenue
Riverdale MD 20737
202-491-2940

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27TH day of July, 2022 a true and exact copy of foregoing Motion to Reopen Case was served first class postage pre paid to Janet M. Nesse, McNamee Hosea, et. al.; 6411 Ivy Lane, Suite 200, Greenbelt, MD 20770.


LB Walker

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
GREENBELT**

IN RE: LB WALKER, :
:
Debtor. : Case No.: 19-21966
: Chapter 7

ORDER

Upon full consideration of Debtor's Motion to Reopen Case to File an Adversary Complaint and to Reinstate Automatic Stay, the opposition thereto if any, the record herein and good cause having been shown, it is,

ORDERED that the Motion is granted; and it is further;

ORDERED that

cc: LB Walker
cc: U.S. Trustee

END ORDER

EXHIBIT 1

**U.S. Bankruptcy Court
District of Maryland (Greenbelt)
Bankruptcy Petition #: 19-21966**

Assigned to: Judge Lori S. Simpson
Chapter 7
Voluntary
No asset

Debtor disposition: Standard Discharge

Date filed: 09/06/2019
Date terminated: 08/31/2020
Debtor discharged: 12/20/2019
341 meeting: 11/13/2019
Deadline for objecting to discharge: 12/16/2019
Deadline for financial mgmt. course: 12/16/2019

Case Administrator: Todd Sukeena
Team 3 Phone: 410-962-0794

Debtor
LB Walker
5305 59th Avenue
Riverdale, MD 20737
PRINCE GEORGE'S-MD
SSN / ITIN: xxx-xx-4241
aka Lebon B. Walker
aka Lebon Bruce Walker

represented by **LB Walker**
PRO SE

Trustee
Janet M. Nesse
McNamee, Hosea, et.al.
6411 Ivy Lane
Suite 200
Greenbelt, MD 20770
(301) 441-2420
Email: jnesse@mhlawyers.com

Filing Date	#	Docket Text
08/31/2020	<u>153</u> (1 pg)	Final Decree and Close Bankruptcy Case . (Sukeena, Todd) (Entered: 08/31/2020)
08/15/2020	<u>152</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) <u>150</u> Order on Motion to Avoid Lien). No. of Notices: 2. Notice Date 8/15/20. (Adm) (enter: 08/16/2020)

08/15/2020	<u>151</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) <u>149</u> Order on Motion to Avoid Lien). No. of Notices: 3. Notice Date 8/15/20. (Admin) (Entered: 8/16/20)
08/13/2020	<u>150</u> (3 pgs)	Order Denying Motion to Avoid Lien 11 USC 522-f Re: 5305 59th Avenue, Riverdale, Maryland 20737 with John Herbeck d/b/a Eastern Shore Judgment Recovery, AS SET FORTH IN PRIOR COURT INSTRUCTIONS, THE RELIEF REQUESTED BY THE DEBTOR REQUIRES AN ADVERSARY PROCEEDING BECAUSE THE OWNERSHIP OF THE SUBJECT PROPERTY AND VALIDITY OF ANY LIENS THEREON HAVE BEEN DISPUTED. (related document(s): <u>90</u> Motion to Avoid Lien and Notice of Motion filed by Debtor LB Walker). (Sukeena, Todd) (Entered: 08/13/2020)
08/13/2020	<u>149</u> (3 pgs)	Order Denying Motion to Avoid Lien 11 USC 522-f Re: 5305 59th Avenue, Riverdale, Maryland 20737 with Elliott N. Lewis, Trustee, AS SET FORTH IN PRIOR COURT INSTRUCTIONS, THE RELIEF REQUESTED BY THE DEBTOR REQUIRES AN ADVERSARY PROCEEDING BECAUSE THE OWNERSHIP OF THE SUBJECT PROPERTY AND VALIDITY OF ANY LIENS THEREON HAVE BEEN DISPUTED. (related document(s): <u>92</u> Motion to Avoid Lien and Notice of Motion filed by Debtor LB Walker). (Sukeena, Todd) (Entered: 08/13/2020)
07/24/2020	<u>148</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) <u>146</u> Order on Motion for Miscellaneous Relief). No. of Notices: 3. Notice Date 07/24/2020. (Admin.) (Entered: 07/25/2020)
07/24/2020	<u>147</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) <u>145</u> Order on Motion for Miscellaneous Relief). No. of Notices: 4. Notice Date 07/24/2020. (Admin.) (Entered: 07/25/2020)
07/22/2020	<u>146</u> (2 pgs)	Order Denying Respondent's Request For Entry Upon Land, THE RELIEF REQUESTED NEEDS TO BE PURSUED AS PART OF AN ADVERSARY PROCEEDING AS INDICATED IN PRIOR COURTINSTRUCTIONS. (related document(s): <u>109</u> Motion for Miscellaneous Relief filed by Creditor The

		Elliot N. Lewis, P.A.). (Sukeena, Todd) (Entered: 07/22/2020)
07/22/2020	<u>145</u> (3 pgs)	Order Denying Motion To Strike Statement Of John Herbeck. THE EVIDENCE AT DOCKET ENTRY NO. 129 ESTABLISHES THAT THE SUBJECT JUDGMENT WAS ASSIGNED TO ELLIOT N. LEWIS, TRUSTEE. (related document(s): <u>128</u> Motion for Miscellaneous Relief filed by Debtor LB Walker). (Sukeena, Todd) (Entered: 07/22/2020)
06/04/2020	<u>144</u> (3 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) <u>141</u> Order on Motion for Miscellaneous Relief). No. of Notices: 3. Notice Date 06/04/2020. (Admin.) (Entered: 06/05/2020)
06/04/2020	<u>143</u> (4 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) <u>142</u> Court Instruction). No. of Notices: 2. Notice Date 06/04/2020. (Admin.) (Entered: 06/05/2020)
06/02/2020	<u>142</u> (3 pgs)	Court Instruction, THE OPPOSITIONS TO THE MOTIONS TO AVOID LIEN DISPUTE THE OWNERSHIP OF THE SUBJECT PROPERTY AND SEEK A DETERMINATION OF THE VALIDITY OF THE JUDGMENT LIENS ON THE SUBJECT PROPERTY. SUCH RELIEF MUST BE PURSUED THROUGH AN ADVERSARY PROCEEDING. ACCORDINGLY, THIS MOTION WILL BE RESOLVED AS PART OF ANY SUCH ADVERSARY PROCEEDING. (related document(s) <u>140</u> Motion for Miscellaneous Relief filed by Debtor LB Walker). (Sukeena, Todd) (Entered: 06/02/2020)
06/02/2020	<u>141</u> (2 pgs)	Order Denying Debtor's Motion To Consolidate, DENIED WITHOUT PREJUDICE. THE DECLARATORY RELIEF SOUGHT REQUIRES AN ADVERSARY PROCEEDING. (related document(s): <u>139</u> Motion for Miscellaneous Relief filed by Debtor LB Walker). (Sukeena, Todd) (Entered: 06/02/2020)
05/28/2020	<u>140</u> (50 pgs; 3 docs)	Motion For Summary Judgment On John Herbeck's Failure To Respond To Motion To Avoid Line and Brief in Support. Filed by LB Walker . (Attachments: # <u>1</u> Notice # <u>2</u> Proposed Order) (Sukeena, Todd) (Entered: 05/29/2020)

05/28/2020	<u>139</u> (9 pgs; 2 docs)	Debtor's Motion To Consolidate and Brief In Support. Filed by LB Walker . (Attachments: # <u>1</u> Proposed Order) (Sukeena, Todd) (Entered: 05/29/2020)	
05/28/2020	<u>138</u> (2 pgs)	Notice of Change of Address of creditor on behalf of LB Walker Filed by LB Walker . (Sukeena, Todd) (5/29/20)	
05/16/2020	<u>137</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) <u>131</u> Order on Motion for Miscellaneous Relief). No. of Notices: 2. Notice Date 05/16/2020. (Admin.) (Entered: 05/17/2020)	
05/16/2020	<u>136</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) <u>133</u> Order on Motion for Miscellaneous Relief). No. of Notices: 4. Notice Date 05/16/2020. (Admin.) (Entered: 05/17/2020)	
05/16/2020	<u>135</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) <u>132</u> Order on Motion for Miscellaneous Relief). No. of Notices: 3. Notice Date 05/16/2020. (Admin.) (Entered: 05/17/2020)	
05/16/2020	<u>134</u> (2 pgs)	BNC Certificate of Mailing - PDF Document. (related document(s) <u>130</u> Order on Motion for Miscellaneous Relief). No. of Notices: 3. Notice Date 05/16/2020. (Admin.) (Entered: 05/17/2020)	
05/16/2020	<u>133</u> (1 pg)	Order Denying Motion For Summary Judgment On The Issue Of The Creditor/Respondent's Lien Obtained On The Property Known As 5305 59th Avenue Riverdale, MD 20737 While It Was Titled In The Name Of Riverdale Properties, LLC, UPON REVIEW OF THE RELIEF REQUESTED IN THE MOTIONS FOR SUMMARY JUDGMENT FILED BY ELLIOT N. LEWIS, TRUSTEE, IT APPEARS THAT MOVANT IS SEEKING DECLARATORY JUDGMENT REGARDING THE OWNERSHIP OF THE SUBJECT PROPERTY AND A DETERMINATION OF THE VALIDITY OF ITS LIENS ON THE SUBJECT PROPERTY. SUCH RELIEF MUST BE PURSUED THROUGH AN ADVERSARY PROCEEDING. ACCORDINGLY, THE MOTIONS FOR SUMMARY JUDGMENT ARE DENIED WITHOUT PREJUDICE TO PURSUING THE REQUESTED RELIEF THROUGH AN ADVERSARY PROCEEDING.	
05/14/2020			

		(related document(s): <u>110</u> Motion for Miscellaneous Relief filed by Creditor The Elliot N. Lewis, P.A.). (Sukeena, Todd) (Entered: 05/14/2020)
05/14/2020	<u>132</u> (1 pg)	Order Denying Motion For Summary Judgment On Debtor's Motion To Avoid Lien Corrected, UPON REVIEW OF THE RELIEF REQUESTED IN THE MOTIONS FOR SUMMARY JUDGMENT FILED BY ELLIOT N. LEWIS, TRUSTEE, IT APPEARS THAT MOVANT IS SEEKING DECLARATORY JUDGMENT REGARDING THE OWNERSHIP OF THE SUBJECT PROPERTY AND A DETERMINATION OF THE VALIDITY OF ITS LIENS ON THE SUBJECT PROPERTY. SUCH RELIEF MUST BE PURSUED THROUGH AN ADVERSARY PROCEEDING. ACCORDINGLY, THE MOTIONS FOR SUMMARY JUDGMENT ARE DENIED WITHOUT PREJUDICE TO PURSUING THE REQUESTED RELIEF THROUGH AN ADVERSARY PROCEEDING. (related document(s): <u>112</u> Motion for Miscellaneous Relief filed by Creditor The Elliot N. Lewis, P.A.). (Sukeena, Todd) (Entered: 5/14/20)
05/14/2020	<u>131</u> (1 pg)	Order Denying Motion For Summary Judgment on John Herbeck's Statement That He Does Not Own Judgment Lien Against Debtor, DENIED. THE EVIDENCE AT DOCKET ENTRY NO. 129 ESTABLISHES THAT THE SUBJECT JUDGMENT WAS ASSIGNED TO ELLIOT N. LEWIS, TRUSTEE. (related document(s): <u>123</u> Motion for Miscellaneous Relief filed by Debtor LB Walker). (Sukeena, Todd) (Entered: 05/14/2020)
05/14/2020	<u>130</u> (1 pg)	Order Granting Motion To Join Elliot N. Lewis Trustee of the Elliot N. Lewis, P.A. Profit Sharing Plan As A Necessary Party. (related document(s): <u>103</u> Motion for Miscellaneous Relief filed by Creditor The Elliot N. Lewis, P.A.). (Sukeena, Todd) (Entered: 05/14/2020)
05/13/2020	<u>129</u> (7 pgs)	Line-Evidence That Subject Judgment Lien Was Acquired From John Herbeck on behalf of The Elliot N. Lewis, P.A. Filed by The Elliot N. Lewis, P.A. (related document(s) <u>119</u> Court Instruction). (Sukeena,) (5/13/20)
05/13/2020	<u>126</u> (2 pgs)	Notice of Motion For Summary Judgment On The Issue Of The Creditor/Respondent's Lien Obtained on the Property

EXHIBIT 2

From: abykoundoul@yahoo.com,

To: cardel_mia@aol.com,

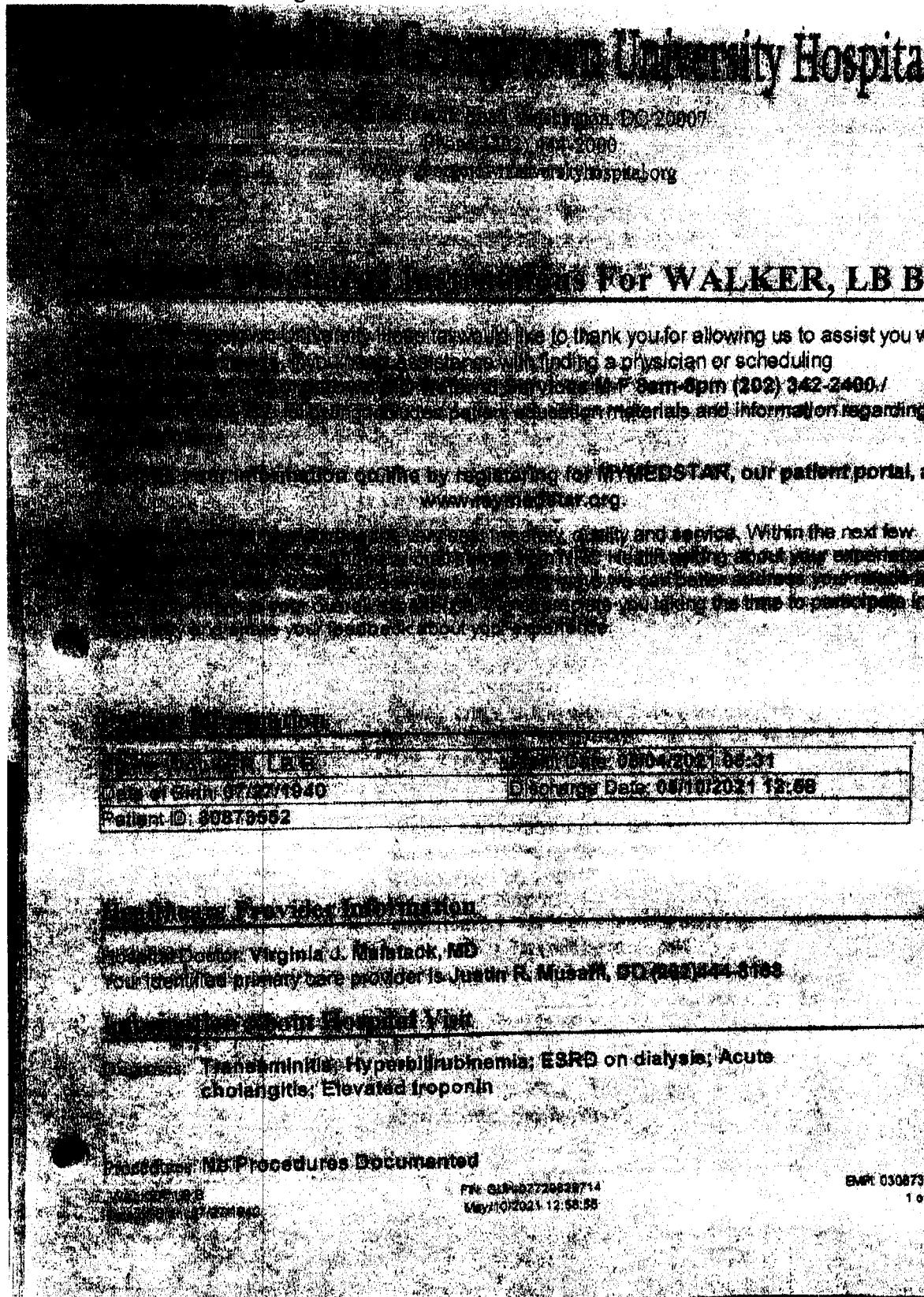
Subject: Discharge

Date: Mon, Jul 25, 2022 6:30 pm

Attachments:

Hi

Here is one more still looking



Patient Discharge: **WALKER, LEBON**

MedStar YOUR HEALTH CARE TEAM. We are here to assist you with any questions you may have. Please speak with your physician or scheduler.

problem solver, decision maker, coach, and service. Within the service area, the manager is responsible for:

IB	Admit Date: 10/10/2010	Discharge Date: 10/10/2010
----	------------------------	----------------------------

Massaffi, DO, Justin R. (202)444-8168

188

Abdominal ascites of liver; History of GI bleed; Subdural hematoma; Asymptomatic

37730188829

14:53:38

Georgetown University Hospital

3800 Reservoir Road, NW Washington, DC 20007

Phone: (202)444-2000

www.georgetownuniversityhospital.org

For medical emergencies, please call 911.

For non-emergency after hours visits, call the hospital operator at 202.444.2000 to be connected to the appropriate department.

For non-emergency after hours visits, call your provider's office.

Discharge Instructions For WALKER, LEBON B

Georgetown University Hospital appreciates your trust in us. Thank you for allowing us to assist you with your medical care. If you have any questions regarding your discharge, finding a physician or scheduling a follow-up appointment, please call our main switchboard M-F 8am-8pm (202) 342-2000. For more information on discharge materials and information regarding your care, please visit www.georgetownuniversityhospital.org.

For help prevent suicide, The American Suicide Prevention Lifeline (1-800-273-8255) provides free, confidential support 24 hours a day, 7 days a week. It is a toll-free, anonymous and confidential service for people in distress, crisis, and prevention and crisis resources.

For more information on your visit to Georgetown University Hospital, visit **MYSTAR**, our patient portal, at www.mygeorgetownhospital.org.

DISCHARGE DATE	07/27/2022	DISCHARGE TIME	15:00
DISCHARGE DATE	07/27/2022	DISCHARGE TIME	17:01

DISCHARGE DATE: 07/27/2022

DISCHARGE TIME: 15:00

DISCHARGE DATE: 07/27/2022

DISCHARGE TIME: 17:01

MedStar Georgetown University Hospital

3300 Reservoir Road Washington, DC 20007
Phone: (202) 444-2000
www.georgetownuniversityhospital.org

DISCHARGE INSTRUCTIONS For WALKER, LEON

B

We thank you for choosing MedStar Georgetown University Hospital for your healthcare needs. If you need assistance finding a physician or scheduling an appointment, please go to www.georgetownuniversityhospital.org. You may either click the blue "Find a Doctor" box, or click the blue "Request an Appointment" box to fill out a form to request an appointment. The following includes patient education materials and information regarding your recent visit.

We are committed to preventing suicide. The National Suicide Prevention Lifeline (1-800-273-8255) provides 24/7, free and confidential support for people in distress, and prevention and crisis resources for you or your loved ones.

Access your information on-line by registering for MyMedStar at www.mymedstar.org.

We would like to thank you for participating in our patient satisfaction survey. We value your feedback and suggestions. Please take a few moments to fill out a few questions from us by answering about your experience while you were here. Your responses will help us identify ways we can better address your needs and concerns. We appreciate you taking the time to participate in the survey.

DISCHARGE INFORMATION

Name: WALKER, LEON B	Admit Date: 7/26/2022
Admit Time: 1540	Discharge Date: 7/27/2022

1001